

UNCLASSIFIED  
Approved for Public Release

CA: This Periodic Review Board is being conducted at 0901 hours on 28 June 2016, with regards to the following detainee: Musab Omar Ali al-Mudwani, ISN 839.

As a reminder, the unclassified portions of these proceedings are being recorded for the purpose of generating a transcript to be posted on the PRS website.

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: Representatives from the following agencies are present and are members of the Board:

**DEPARTMENT OF DEFENSE;**

**DEPARTMENT OF STATE;**

**DEPARTMENT OF JUSTICE;**

**DEPARTMENT OF HOMELAND SECURITY;**

**OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; AND,**

**OFFICE OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**

The following personnel are also present:

**LEGAL ADVISOR TO THE BOARD;**

**CASE ADMINISTRATORS;**

**PERSONAL REPRESENTATIVE;**

**PRIVATE COUNSEL;**

**TWO TRANSLATORS;**

**THE DETAINEE; AND,**

UNCLASSIFIED  
Approved for Public Release

**SECURITY OFFICER.**

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: The detainee's Personal Representative, Private Counsel, the detainee, and one translator are located at the detention facility, U.S. Naval Station Guantanamo Bay, Cuba. They are attending via video teleconference and the detainee waived translation of the unclassified summary, the Personal Representative's and Private Counsel's opening statements. These documents have been posted to the Periodic Review Secretariat website. This session is being observed by foreign, national, and local media; and representatives from non-governmental organizations.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: This Board is convened to determine whether continued law of war detention is warranted for Musab Omar Ali al-Moo... al-Mudwani, ISN 839, to protect against a continuing significant threat to the security of the United States. From here on forward, we will refer to the detainee as Musab. This session is being... of the hearing is unclassified.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Musab, this is your Periodic Review Board to determine whether continued law of war detention is warranted in your case. Continued law of war detention will be warranted if it is necessary

UNCLASSIFIED  
Approved for Public Release

to protect against a continuing significant threat to the national security of the United States. The focus of this hearing is not on the threat that you may pose to the United States and its interests, if transferred or released from U.S. government. It is not on the lawfulness of your detention.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: The Personal Representative and Private Counsel are your representatives to assist you during this process. Finally, the translators ensure that everyone understands your statements and that you understand what is being said during the hearings.

TRANS 1: **[TRANSLATION OF ABOVE]**

PM: Personal Representative and Private Counsel, has the detainee had an opportunity to review the unclassified summary?

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Yes.

PR: Yes, Sir.

PM: Thank you. I will now read the unclassified summary:

Musab Omar Ali al-Mudwani, ISN 839, was a low-level Yemeni militant who traveled to Afghanistan in mid-2001, and received basic training at the al-Qaeda camp before 9/11. He fled to Pakistan in late 2001 following the onset of Coalition operations, and met with senior al-Qaeda figures who tried to arrange his return to

UNCLASSIFIED  
Approved for Public Release

Yemen. Musab is one of the Yemenis arrested during the September 11th, 2002 raids in Karachi, Pakistan, later labelled the "Karachi Six," based on concerns that they were part of an al-Qaeda operational cell intended to support a future attack in Karachi. We judge that thi... this is more likely the six Yemenis were among a large pool of Yemeni fighters that senior al-Qaeda planners considered potentially available to support future operations. Musab was probably awaiting a chance to return to Yemen at the al-Qaeda Karachi safe house when he was arrested.

Musab has been highly compliant with the guard force at the Guantanamo Bay detention facility since his arrival in October 2002, according to the Joint Task Force Guantanamo, committing a low number of infractions compared to other detainees. Early in his detention, Musab provided information of modest value about the activities and al-Qaeda oper... operatives and leaders. He has never admitted to an ideological affiliation with al-Qaeda, however, making it difficult to assess his motivations for traveling to Afghanistan. While in detention, Musab has denounced extremism and not expressed any anti-American sentiment.

Musab does not appear to have any direct associations with at-large extremists. He has received one letter from a former detainee suspected of reengaging in terrorist activities, but did not respond.

UNCLASSIFIED  
Approved for Public Release

He probably would prefer to be transferred to Yemen, to be close to his family, and his family appears to be financially stable and is willing to support Musab and find him employment. Musab said he wanted to have a family of his own and become a farmer or an accountant.

Do the Personal Representatives and Private Counsel wish to make an unclassified opening statement, at this time?

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Yes, Sir.

PR: Yes, Sir.

PM: I would like to remind all participants that any information shared at this time, must be unclassified. If there's a concern about the classification of this information, I will indicate such and will stop the proceedings until we resolve the issue. Has the detainee had the opportunity to review your statements?

TRANS 1: **[TRANSLATION OF ABOVE]**

PR: Yes, Sir.

PC: Yes, Sir.

PM: Personal Representative, please proceed.

TRANS 1: **[TRANSLATION OF ABOVE]**

UNCLASSIFIED  
Approved for Public Release

PR: Good morning, ladies and gentlemen of the Board. I am the Personal Representative for ISN 839. Thank you for the opportunity to present the case for Musab Omar Ali al-Mudwani.

At a very young age, Musab was recruited in Yemen to support the movement in Afghanistan. The trip was sold to him as a tremendous charity opportunity filled with adventure. Additionally, Musab perceived it to carry very little commitment as he already had a return plane ticket for the following month. However, when he arrived in Afghanistan, he discovered vastly different expectations and a highly suspicious organization that confiscated his passport and tickets upon arrival. New recruit movements were very restricted and the oppression forced him and others to avoid asking questions. Musab quickly realized his mistake, but changing his situation became extremely difficult. He desperately wished to return home, but the situation was growing precarious. Finally, coalition attacks presented the opportunity to flee back to Yemen, but this proved to be very difficult as well, and he never made it.

Musab never held extremist views or any desire to harm Americans. As a result, it is no surprise he has been highly compliant detainee and very respectful with detention staff. During his entire time at Guantanamo, Musab has denounced extremism and only desires release to his family. Although his

UNCLASSIFIED  
Approved for Public Release

parents are gone, he intends to make up for the pain he has caused his brothers and sister through leading an entirely peaceful life. Musab's brothers have pledged to support him financially as long as necessary. However, his plan is to find a wife and have children to which he intends to support as an accountant. He has pursued life skills training to help him attain this career and has produced many practice accountant documents in preparation for the future.

I am confident Musab is honest in his intentions after Guantanamo because of his peaceful and compliant past. His time at Guantanamo has greatly expanded his perspective on the world and helped him develop more sound judgment. I firmly believe he does not represent a continued significant threat to the United States of America or its allies. Finally, he has skills to support himself in a peaceful existence.

Musab is open to transfer to any country, but would prefer an Arab speaking nation where he can more easily pursue a career and start a family. I am pleased to answer any questions you may have.

PM: Private Counsel, you may proceed with your unclassified opening statement.

TRANS 1: **[TRANSLATION OF ABOVE]**

PC: Ladies and gentlemen of the Board, thank you for the opportunity to present this statement on behalf of my client, Musab

UNCLASSIFIED  
Approved for Public Release

al-Mudwani. I know Musab well, and I'm proud to represent him before this Board. I first met Musab in January 2007. He remains the honest, polite, fine, young man I met... first met about a decade ago. Shortly after our first meeting, rumors began to circulate around the camp that the detainees would no longer be able to meet with their lawyers. Musab wrote me a beautiful letter saying, "if the government severs communications between us, and we are not able to ever meet, I want to say to you: Thank you for standing by me in this ordeal of mine. I will never forget compassionate Patricia who gave me hope and made me realize that there is still goodness in this nation."

In the decade since that letter, I've met and spoken with Musab scores of times. Musab has never lost his appreciation for the goodness of America and Americans.

Musab has always been truthful, e... even when the truth is inconvenient or unflattering. From our very first meeting, Musab told me, with considerable embarrassment, how two men persuaded him to run away from home and travel to Afghanistan in the summer of 2001. He also told me about the many months he spent as a refugee, travelling through Pakistan, Afghanistan, and Iran in search of a way to get home to Yemen. In 2009, I sat down and mapped out his travels, including the length of time Musab said that he stayed in

UNCLASSIFIED  
Approved for Public Release

each place. I consulted independent documentation that Musab could not have seen or known about. Somewhat to my surprise, I was able to confirm Musab's account of his travels, right down to the day.

Musab has always been more interested in helping other people than in dwelling on his own problems. I remember being nervous about telling him about a setback in his habeas case, but Musab took the setback in stride and then spent the rest of our meeting comforting me. Recently, Musab heard about some problems in my family. He wrote me a long letter to cheer me up, then apologized that his circumstances prevented him from giving me more than just moral support.

Many aspects of Musab's character have remained constant throughout the decade I've known him, including: his candor, his generosity, and his sense of humor, but some things have changed dramatically and for the better. Musab is no longer the shy, gullible youth who two men convinced to run away from home and go to Afghanistan. After hearing Musab testify over the course of two days in 2009, federal Judge Thomas Hogan agreed with the government's internal assessment of Musab as a young, naïve, unemployed Yemeni who posed no danger to the United States. And I quote, "the record reflects that Musab was, at best, a low-level al-Qaeda figure. It does not appear he even finished his weapons training. There is no

UNCLASSIFIED  
Approved for Public Release

evidence that he fired a weapon in battle or was on the front lines. There is also no evidence that he planned, participated in, or knew of any terrorist plots. Classified documents in the record confirm the Court's assessment. As does the fact that he appears to have been a model prisoner during his seven years of detention. The Court fails to see how, based on the record, Musab poses any greater threat than the dozens of detainees who recently have been transferred or cleared for transfer."

I've watched Musab grow from a naïve, gullible youth into a confident, independent man. Musab once was afraid of being alone in the dark, but now he reaches out to calm his brothers' fears and resolve their disputes. Instead of being a follower, swayed by peer pressure and the strong personalities around him, Musab now thinks and acts independently, according to his own core beliefs.

Musab has also taken advantage of the opportunities available to him here to prepare himself for life... life outside of Guantanamo. Before leaving home, Musab gained some exper... business experience by helping out in his father's pharmacies. Here, Musab has built on that experience by learning about computers and studying accounting and business skills with another detainee who has significant business training and experience. Musab has applied himself diligently to these studies, and he asked me to bring him a book on

UNCLASSIFIED  
Approved for Public Release

how to use the Excel computer program. These accounting and general business skills will assist Musab in finding employment and making that transition to civilian life.

Over the years I've spoken by phone with Musab's family. This loving and supportive family has long since forgiven Musab for his youthful error in running away from home. Unfortunately, both of Musab's parents died while he's been at Guantanamo. The family remains close, and Musab's sister and brothers have maintained contact with Musab through letters and phone calls. Musab's siblings have made detailed plans to support him in the event that dis... the Board decides he can be released or transferred. They understand that if allowed to leave, he ca... he will likely be going to a country other than Yemen. Fortunately, the family has the resources to support Musab in his transition to civilian life, to provide him a job and home and marriage prospects, and to travel to be with Musab, regardless of where he is transferred. I should note that neither I nor Musab's other lawyers ever requested or received information in 2014 from Musab's family regarding their financial circumstances. The first time we asked for that information was this year in preparation for this hearing. The family is eager to give Musab the emotional and financial support he will need in transitioning from detention to peaceful family life. Musab's four siblings and his

UNCLASSIFIED  
Approved for Public Release

brother-in-law have submitted statements in support of Musab's case, as have my co-counsel Darold Killmer and Mari Newman, who met personally with Musab's family in Yemen.

Darold, Mari, and I are also eager to provide support and assistance to Musab, whether he is transferred to Yemen or some other country. If I could, I would invite him to come and live with my family. Since that is not possible, I hope to do the next best thing and visit him wherever he is living. We've all promised to attend Musab's wedding, regardless of where it takes place. The human rights group, Reprieve, has significant experience in helping detainees transfer... transition to civilian life, and Reprieve has offered to share its advice, contacts, best practices, and other resources to help us provide support to Musab if he is transferred to a country other than his homeland. We're committed to supporting his transition to a peaceful and productive life outside of Guantanamo. I would be happy to answer any questions the Board may have.

PM: Okay. Board Members may reserve questions until detainee and witness statements have been presented in their entirety. Does anyone have a question at this particular time?

**(NON-VERBAL RESPONSE FROM BMS)**

TRANS 1: **[TRANSLATION OF ABOVE]**

UNCLASSIFIED  
Approved for Public Release

PM: Okay. With no questions, this concludes this portion of the hearing. I ask that all remain seated until further instructed by the Case Administrator.

TRANS 1: **[TRANSLATION OF ABOVE]**

CA: We will take a 15-minute recess to prepare for the remaining sessions.

TRANS 1: **[TRANSLATION OF ABOVE]**

**[The public session closed at 0922, 28 June 2016.]**

**[END OF PAGE]**

**ABBREVIATION AND ACRONYM KEY**

BM: BOARD MEMBER  
CA: CASE ADMINISTRATOR  
DET: DETAINEE  
PM: PRESIDING MEMBER  
PR: PERSONAL REPRESENTATIVE  
PC: PRIVATE COUNSEL  
TRANS 1: TRANSLATOR ONE (LOCATED AT PRS HQ)  
TRANS 2: TRANSLATOR TWO (LOCATED AT GUANTANAMO BAY)